

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

LOUIS RASETTA and JOHN J. SHAUGHNESSY, ) 2005 MAR 22 A 9:14  
as they are TRUSTEES, ET AL., ) U.S. DISTRICT COURT  
Plaintiffs ) DISTRICT OF MASS.  
v. )  
PENNEY CONSTRUCTION CORP., )  
Defendant )  
and )  
T.R. WHITE CO., INC., ) SCANNED Civil Action No.  
Reach-and-Accept Defendant ) 04-12463-MLW  
and )  
SOVEREIGN BANK, )  
Trustee )  
*RANDALL E. NASH  
3-23-05  
Randy Nash*

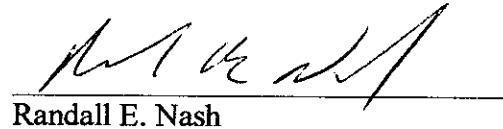
AFFIDAVIT OF RANDALL E. NASH

I, Randall E. Nash, under oath and of my own personal knowledge, hereby depose and state as follows:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts. I represent the plaintiffs in the above-captioned matter.
2. This action was filed by Attorney Anne R. Sills and Attorney Gregory A. Geiman on November 22, 2004.
3. Subsequent to the filing of the complaint, but prior to the service of the summons and complaint, Attorney Sills and Attorney Geiman referred this matter to me.

4. On March 4, 2005, I entered my appearance on behalf of the plaintiffs and requested summonses for service upon Defendant Penney Construction Corp. (Penney) and T. R. White Co., Inc. (White), the reach-and-apply defendant.
5. On March 7, 2005, I received the summonses and forwarded the summonses and copies of the complaint to the Plymouth County and Suffolk County Deputy Sheriffs' offices for service upon Penney and White, respectively.
6. On March 18 and 21, 2005, I had telephone conversations with representatives of the Plymouth County Deputy Sheriffs' office regarding the status of service as to Penney. Upon information and belief, service was made upon Penney on March 19, 2005. I have not yet received the return of service. To my knowledge, counsel has not yet appeared for Penney.
7. On March 18 and 21, 2005, I also had telephone conversations with representatives of the Suffolk County Deputy Sheriffs' office regarding the status of service as to White. Upon information and belief, the Suffolk County Deputy Sheriffs' office has been unable to serve White because White has ceased operations at its address of record and there is no information as to whether or where it may be operating.
8. For all of the foregoing reasons, the plaintiffs require additional time to locate and serve White.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 21<sup>ST</sup> DAY OF MARCH, 2005



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Randall E. Nash